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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,402	10/24/2000	Kurt Jonach	80398.P364	3658

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/696,402

Applicant(s)

JONACH ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-41 and 43-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-41 and 43-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 20-41 and 43-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swenton-Wall et al. (US Patent No. 6,590,586 B1) in view of Ouellet et al. (US Patent No. 6,363,052 B1).

Regarding claim 20, Swenton-Wall discloses a computerized apparatus for viewing images comprising: to sequentially display a set of files [... the slides may be manipulated on a simulated on a table by placing the slides in a simulated slide carousel...see abstract ]; and means for connecting the dial to the set of files [..the digital carousel facilities sequencing of images for presentation by reordering slides.. see col. 2, lines 1-15]; however, Swenton-Wall fails to explicitly teach a dial capable of being visually dialed through rotations.

Ouellet teaches a dial capable of being visually dialed through rotations (see col. 3, lines 1-65). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide a dial capable of being visually dialed through rotations as taught by Ouellet to the interface for a browse image of Swenton-Wall in order to enhance user friendly generally intuitive interface for user with a computer system which has sufficient flexibility and capability to be used in a variety of different visually dialed through rotations display on screen.

Regarding claim 21, Swenton-Wall discloses further comprising means for increasing the speed of sequentially displaying the set of files [image illustrated with horizontal and verticle shadow bars on a left and right side...see col. 5, lines 1-23 and col. 5, lines 47-54].

Regarding claims 22 and 23, Swenton-Wall discloses further comprising: means for modifying the set of files; and further comprising: means for sequentially viewing individual files across more than one set of files [see col. 6, lines 13-38 and figures 3A].

Claim 24 differ from claim 1 in that “a computer-readable medium having computer-executable instructions to cause a computer to perform a method comprising: linking a set of files, and coupling a dial with the set of file; the dial capable of being dialed through rotations, and wherein the set of files is sequentially displayed when the dial is dialed” which broadly read on Ouellet (see col. 4, lines 8-63).

Regarding claims 25 and 26, Swenton-Wall discloses having further computer-executable instructions wherein a dial setting further increases a speed that the files are sequentially displayed; and having further computer-executable instructions wherein the dial has a stop point where file sequencing is stopped and one file is displayed (see col. 4, lines 23-67).

Regarding claims 27 and 28, Swenton-Wall discloses having further computer-executable instructions wherein pushing the dial in will select the file; and having further computer-executable instructions wherein pushing the dial in will allow sequencing of files across more than one set of files (see col. 5, lines 25-65).

As claims 29-30 are analyzed as previously discussed with respect to claims 24-28 above.

Regarding claims 31-33, Swenton-Wall discloses wherein the set of sequentially linked files are modified to flag a file location; and wherein the computer-readable medium activates the dial to display files sequentially across more than one set of sequentially linked files (see col. 6, lines 1-21 and figures 3A-6A).

Regarding claim 34, Swenton-Wall discloses a networked server system comprising: means for posting a linked set of files for display; and means for sequentially displaying the content of the linked set of files via a dial capable of being dialed through rotations (see col. 8, lines 21-47).

As claims 34-41 and 43 are analyzed as previously discussed with respect to claims 1 and 24 above.

Regarding claims 44 and 60, Swenton-Wall discloses a method for presenting presentations, the method comprising: receiving an input via an interface representing a user manipulable dial capable of being dialed through rotations; and sequentially displaying at least one; presentation from a preselected set of presentations in response to the input (see col. 4, lines 23-67).

Regarding claim 45, Swenton-Wall discloses wherein the input is received by visually dialing the user manipulable dial (see figures 4-6A).

As claims 47-59 and 61-68 are analyzed as previously discussed with respected to claims 1 and 31-34 above.

Regarding claim 69, Swenton-Wall discloses wherein the method further comprises: determining a dialing speed of the dialing; and sequentially displaying the at least one presentation in a presentation rate associated with the dialing speed (see col. 6, lines 22-67). As claims 70-77 are analyzed as previously discussed with respected to claims 1, 31-34 and 44 above.

### ***Response to Amendment***

3. Applicant's arguments filed 05/03/04 have been fully considered but they are not persuasive.

On page 11, third paragraph of the remark. All the claims are rejected under 103(a) as being unpatentable over Swenton-Wall et al. (US Patent No. 6,590,586 B1) in view of Ouellet et al. (US Patent No. 6,363,052 B1) are proper should be sustained.

In response to applicant's argument on pages 11-12 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Ouellet teaches a dial capable of being visually

dialed through rotations used in combination of Swenton-Wall's interface for a browse image. One skill in the art would have been obvious to provide a dial capable of being visually dialed through rotations as taught by Ouellet to the of Swenton-Wall in order to enhance user friendly generally intuitive interface for user with a computer system which has sufficient flexibility and capability to be used in a variety of different visually dialed through rotations display on screen.

At page 11-12, of the remark, applicant argues that the combination of Swenton-Wall and Ouellet fails to teach or suggest "a dial of being capable of being visually dialed through rotation". However, the limitations as claimed which read on Ouellet "By moving image 45 in any one of the four primary directions the appropriate number of times and in the proper sequence the operator can reposition image 45 anywhere in the reference frame on the screen. For example, assume the operator wanted to move image 45 to position 45A the operator could accomplish this transition with two moves, one in the east direction by activating buttons 30E or 32E and one in the south direction by activating button 30S or 32S. In fact, one potentially could move image 45 to any position in the visual display 41 with no more than two moves; see col. 9, lines 18-28.

The claims invention as represented, does not distinguish over the prior arts as discussed above.

### ***Conclusion***

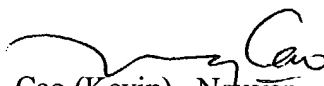
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703)305-3972. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173